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Counsel for the Reorganized Debtors

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re

THE RHODES COMPANIES, LLC, aka
"Rhodes Homes," et al.,

Reorganized Debtors.

Chapter 11

Case No. BK-S-09-14814-LBR
(Jointly Administered)

**JOINT STATEMENT OF THE PARTIES
REGARDING SETTLEMENT
NEGOTIATIONS**

☒ Affects all Debtors

☐ Affects the following Debtors

Hearing Date: Feb. 15, 2011
Hearing Time: 10:30 a.m.
Place: Courtroom 1

James M. Rhodes ("Rhodes"), by and through his undersigned counsel, Fabian & Clendenin,
P.C., and the above-captioned reorganized debtors (collectively, the "Reorganized Debtors"), by and

1 through their undersigned counsel, Kolesar & Leatham, CHTD and Akin Gump Strauss Hauer & Feld
2 LLP, respectfully submit this Joint Statement of the Parties Regarding Settlement Negotiations. Rhodes
3 and the Reorganized Debtors are collectively referred to herein as the "Parties." The Parties state as
4 follows:

5 Although a settlement of the remaining issues in dispute has not yet been reached, the Parties
6 intend to continue settlement negotiations. Accordingly, the Parties hereby request that the telephonic
7 status hearing scheduled for February 15th be used as an opportunity for the Parties to provide the Court
8 with an update on the status of the settlement negotiations and, if necessary, a discussion of whether an
9 evidentiary hearing will be necessary should a settlement not be reached.

10 DATED this 7th day of February, 2011.

11
12 Prepared and respectfully submitted by:

13 **FABIAN & CLENDENIN, P.C.**

**AKIN GUMP STRAUSS HAUER & FELD
LLP**

14
15 By /s/ Kevin N. Anderson
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Counsel for the Reorganized Debtors

CERTIFICATE OF SERVICE

1. On February 7, 2011, I served the following document(s) (*specify*):

**JOINT STATEMENT OF THE PARTIES REGARDING SETTLEMENT
NEGOTIATIONS**

2. I served the above-named document(s) by the following means to the persons as listed below:
(*Check all that apply*)

- ☒ a. **ECF System** (*You must attach the "Notice of Electronic Filing," or list all persons and addresses and attach additional paper if necessary*)

KEVIN N. ANDERSON on behalf of Creditor JAMES RHODES
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kgallegos@marquisaurbach.com; tszostek@marquisaurbach.com

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tcrowelaw@yahoo.com

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NILE LEATHAM on behalf of Creditor STEERING COMMITTEE OF
SENIOR SECURED LENDERS
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CHARLES M. LITT on behalf of Creditor THE PRESERVE AT
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rdittrich@foxrothschild.com

VIRGINIA CRONAN LOWE on behalf of Creditor UNITED STATES OF
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JANIECE S MARSHALL on behalf of Creditor STANLEY
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, car@amclaw.com; lom@amclaw.com; crb@amclaw.com; csh@amclaw.com

EDWARD M. MCDONALD on behalf of U.S. Trustee U.S. TRUSTEE - LV
- 11
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SUSAN L. MYERS on behalf of Creditor Credit Suisse, Cayman Islands
Branch
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bklsclv@lionelsawyer.com

JEFFREY D. OLSTER on behalf of Creditor HARSCH INVESTMENT
PROPERTIES - NEVADA, LLC
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ERIC RANSAVAGE on behalf of Creditor Leslie Blasco, et al.
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MARK R. SOMERSTEIN on behalf of Creditor WELLS FARGO BANK,
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JEFFREY R. SYLVESTER on behalf of Creditor CREDIT SUISSE,
CAYMAN ISLANDS BRANCH
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U.S. TRUSTEE - LV - 11
USTPRegion17.lv.ecf@usdoj.gov

DONALD H. WILLIAMS on behalf of Creditor Westar Kitchen & Bath,
LLC
DonaldHWilliamsLaw@gmail.com, taylor sellers@gmail.com

☐ b. **United States mail, postage fully prepaid**
(List persons and addresses. Attach additional paper if necessary)

☐ c. **Personal Service** *(List persons and addresses. Attach additional paper if necessary)*

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the documents(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the documents(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ d. **By direct email (as opposed to through the ECF System)**
(List persons and email addresses. Attach additional paper if necessary)

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ e. **By fax transmission** *(List persons and fax numbers. Attach additional paper if necessary)*

1 Based upon the written agreement of the parties to accept service by fax
2 transmission or a court order, I faxed the document(s) to the persons at the fax
3 numbers listed below. No error was reported by the fax machine that I used. A
4 copy of the record of the fax transmission is attached.

5 ☐ f. **By messenger** (*List persons and addresses. Attach additional paper if*
6 *necessary*)

7 I served the document(s) by placing them in an envelope or package addressed
8 to the persons at the addresses listed below and providing them to a messenger
9 for service. (*A declaration by the messenger must be attached to this*
10 *Certificate of Service*).

11 **I declare under penalty of perjury that the foregoing is true and correct.**

12 Signed on (date): February 7, 2011.

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/s/ Cindy Kishi

DECLARANT